

## EXHIBIT D

**From:** Beral, Arash  
**Sent:** Monday, September 30, 2024 1:04 PM  
**To:** Michael D. Murphy  
**Cc:** Kenneth Hsu; Banu S. Naraghi; Ayesha Rector; Chary Weis; Malynn, Todd M.; Sandoval, Victor  
**Subject:** RE: SPAVI v. PCJV, et al.

It just occurred to me that we did not discuss the deadline for serving initial disclosures and it did not come up at the Scheduling Conference either or subsequent order. Let's add that to the agenda as well.

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**From:** Beral, Arash  
**Sent:** Monday, September 30, 2024 12:58 PM  
**To:** Michael D. Murphy <mmurphy@ecjlaw.com>  
**Cc:** Kenneth Hsu <khsu@ecjlaw.com>; Banu S. Naraghi <bnaraghi@ecjlaw.com>; Ayesha Rector <arector@ecjlaw.com>; Chary Weis <cweis@ecjlaw.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>; Sandoval, Victor <Victor.Sandoval@BlankRome.com>  
**Subject:** SPAVI v. PCJV, et al.

Mike:

Addressing your emails (and following up on mine):

1. The Court's Order says: "Before either party files a motion for a preliminary injunction, the parties must meet and confer in person or by videoconference, attempt to reach a resolution, and—if they are unable to do so—coordinate their filings to maximize efficiency and judicial economy. In particular, the Court expects the parties to be more judicious in presenting no more evidence than necessary and in avoiding duplication." Please let me know when we can meet and confer as the Court directed us to do. Looking back through your emails, I see that you asked to meet and confer on "Monday or Tuesday." Tomorrow afternoon after 2 pm would work best for me and Todd. Note, however, that: (a) November 1 is not an available hearing date (see c. below) and (b) you may want the benefit of reviewing our motion to dismiss before we meet and confer. Draft subjects to discuss on our conference:
  - a. Are you planning to file the same motion?
  - b. What are your client's intentions in the U.S.? (Your response will dictate whether we would file a competing injunction motion and in what form.) To discuss:
    - i. Does your client plan to hold itself out as the "owner" of all U.S. IP before the issues are decided in this case?
    - ii. Does it plan to contend that PCJV and the entire U.S. franchise system is operating without rights?
    - iii. Does it plan to continue its attempts at interfering with PCJV's franchise agreements and relationships, attempting to sell "licenses" to PCJV's franchisees or otherwise interfere with the U.S. franchise system's operations?
      1. We cannot stress this enough (and out of courtesy to you, we've been "light" on this subject) but you and your clients are to cease and desist from interfering with PCJV's franchise agreements and existing and prospective economic relationships.

- iv. Does it plan to set up a competing business in the U.S.?
  - v. Other?
- c. Logistics and timing of any joint or non-joint filings. We noted today that November 1 is a “closed” hearing date on the Court’s website. So unless you tell us that November 1 is an available date for the Court to hear all motions in this case (you said you would be reaching out to the Court about that), we are scheduling our MTD (as we are required to do) for November 8, so we can discuss also scheduling any PI motions for November 8 as well if November 1 is not available.
- 2. You have what you need to either continue prosecuting your complaint against all the parties you named or to dismiss them. You have Guy Koren’s most recent declaration filed in support of the TRO application addressing each named defendant entity. You were also present in court when we had a mini-trial in January 2021 between Mr. Koren and Mr. Jacoby regarding those entities. Beyond that, you have 6 years of discovery and settlement discussions from which you could have gained whatever knowledge you needed before you filed your lawsuit. The burden is on you and plaintiff to justify naming each defendant, not us or defendants.
- 3. All of your editorializations and conclusions are rejected and denied.

Arash

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